

CONSIDERATIONS AND ARGUMENTS

PROVING THE

INEXPEDIENCY

OF AN

International Copyright Law :

BY JOHN CAMPBELL.



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International Copyright Law.

The application made to the last Congress for the enactment of an International Copyright Law, has been just renewed, and to aid and press the measure, a Pamphlet has appeared, entitled "An Address to the People of the United States, in behalf of the American Copyright Club."

There has also been a petition presented to the same effect, signed by a number of American writers and publishers.

When this subject was first brought before the National Legislature, great efforts were made to procure the passage of the desired law, but Mr. Berrien, the Chairman of the Senatorial Committee to which the matter was referred, having announced that he was ready to report, and to report adversely to the project, his views and those of his coadjutors, were neither called for nor made public. The non-appearance of the document thus ready to be submitted, is a matter of no little regret. For although the Senate was content, not so, as the event has proved, those who suppose, however erroneously, their pecuniary interests to be at stake. Now an argument emanating from the acute and distinguished Senator for Georgia, independently of its influence upon public opinion, might have soothed, if it did not satisfy, an order of men, of the highest merit indeed, yet somewhat irascible, and not more exempt, than their fellow-mortals, from that bias in favor of self, which characterises the race. Accordingly, in conformity with this far too-general inclination, our American Authors in conjunction with the agents of foreign writers and publishers—have again urged upon Congress their unfounded claims. These have been set forth in the "Address" above adverted to, and an examination of its merits will be found in the appendix.

Whoever the author of this address may be, it is unfortunate for such an intelligent body as the Copyright Club, that he should have been selected as their advocate. The defects of his style, and the weakness of his arguments reflect sadly upon the judgment of his employers, and are ill calculated to further even a better cause. How then, can so peurile a production be expected to induce Congress to shut the book of knowledge to millions, in the idle hope of replenishing the pockets of a few writers, and still fewer publishers? The cause of Literature and Science may therefore be confidently confided to the wisdom of our Representatives at Washington, in the sure conviction that, the American Press—the bulwark of our liberty—our pride—our strength, and the envy of the world, will never be cramped by such guardians to suit the mistaken views of a few of our own citizens, nor be by them subjected to the corrupting influence or exactions of self-interested foreigners.

In the absence then of the doubtless far abler Senatorial Report, to which we can unfortunately but allude, it is deemed advisable to reprint an essay, published when the previous application was before Congress; setting forth the evils that would inevitably flow from the enactment of an International Copyright Law. The renewed effort renders this imperative, and it is highly gratifying, since the experience of two years has but confirmed the facts formerly stated, and thus, were that required, more firmly established the conclusions then deduced.

ARGUMENTS AGAINST THE INTERNATIONAL COPYRIGHT LAW.

First published in March, 1842.

An International Copyright Law has been, on a former occasion under discussion in Congress, and the subject will probably be again brought forward in that body during the present session: yet surely, an act which would greatly and injuriously affect the current literature of an entire community, and a com-

munity so numerous, and so generally capable of reading, as are the inhabitants of these United States, will not be passed unadvisedly by their representatives.

Can then reasons be adduced which are sufficient to warrant such a procedure? It is thought not: the more particularly, when it is recollected that in an arrangement between government and government, where much is conceded, something approximating at least to an equivalent is always expected in return.

Now, it is manifest that a law permitting British authors, (for writers on the continent of Europe have little or no interest in the question,) to dispose of the right to print their works in this country, while it would impose a heavy tax on the American people, could nevertheless, confer upon American authors no benefit worthy of the name. The difference being that, although as every one knows, we are flooded with English publications, the reprint of an American book in England, is on the other hand, an event so rare, as to weigh nothing in a general argument.

But the mischief which would arise from granting to transatlantic writers the exclusive privilege of republishing their works in this country, is by no means limited to a balance of dollars and cents.

The rich might, and doubtless would, continue to purchase at the enhanced price, but what would be the condition of the middling and lower classes of our population, whose characteristic, be it remembered, is intelligence; and whence do they derive that intelligence, which so honorably and happily distinguishes them from persons abroad in corresponding spheres of life? Why from the circulation, to be sure, of every species of knowledge in the cheapest form, put forth by rival publishers, striving to supply the intellectual market on the lowest possible terms. Thus one of the most popular English authors of the day, now on a visit to this country, makes these remarks in a recent address in Boston. Alluding to the heroine in one of his tales, he says, "I had letters about that child in England from dwellers in log houses, among the morasses and swamps of the far west.

Many a sturdy hand, hard with the axe and spade, and browned by the summer's sun, has taken up his pen and written to me, &c."

Now, it may be asked, how did these intelligent farmers of the far west, obtain the pleasure and reap the advantage of perusing the productions of our gifted guest? By purchasing his Copyright works—every one a guinea? Not at all; charged at that price, our backwoodsmen and their families too, would have remained as ignorant of the beauties of Boz, as they are of English Copyright books, of great, if not of equal merit, though not reprinted in this country, and consequently beyond their reach. And thus they would have remained, for a celebrated English writer, in a recent conversation on the subject of the proposed Copyright Law made this declaration: "Give us this law, and the people of America shall never read my books for a less price than my own countrymen." And this is doubtless the general sentiment of British authors.

To illustrate the prices which the public would have to pay for English books, protected by an American statute, a few examples will suffice.

The publishing price of the Pickwick Papers illustrated, in England, is	\$5 00	
The same work published here at	2 00	
Nicholas Nickleby, in England.	\$5 00	American 2 00
And a plain edition of the same at	0 75	
D'Israeli's Amenities of Literature, ...	\$10 00	American 1 75

And in the more serious and important departments of literature, the difference is equally great.

Jay's Morning Exercises, Eng. price, \$5 00		American 1 00
Jay's Prayer's, do	2 25	do 0 25
Rowland Hill's Memoirs, do	2 50	do 0 87½
Hannah More's Life, do	5 00	do 1 50
Turner's Sacred History, do	10 00	do 1 35
Scott's Bible, do	20 00	do 5 00
Southey's Poetical Works, do	12 50	do 3 50

It needs no argument to prove, that at such rates literary productions must be confined to the wealthy, and those consequently in the more humble walks of life, will be debarred from that enjoyment, which at present is conveyed to them in successive numbers, through the weekly press at \$2 a year, or carried to their doors at 40 or 50 cents the volume.

It cannot we think be doubted, that the effect of an International Copyright Law will be to deprive the mass of the people of the literary advantages they now possess, and check the present extensive diffusion of knowledge among the lower classes. It has however been argued that our American authors can be substituted, and their works take the place of foreign productions. In answer to this we have but to state facts, which we think will prove that this will not be the case, for it is no disparagement to American writers to say, that like those of other countries, one and generally the chief-object, of their labors, is pecuniary compensation; to secure which, they issue their works in such style and at such prices, as may seem most likely to accomplish that, among other ends. Thus it is admitted by all publishers, that it is more profitable to sell one thousand copies, of a book at five dollars, than five thousand copies, at one dollar. The receipts will be the same, and the expenses being less, greater profits will accrue. Interest therefore induces both authors and booksellers to adopt that plan. Take the following as examples, which are American Copyrighted works of the highest merit, and ought to be read by every American, who values the literary reputation of his own country—

Sparks' Life of Washington, one vol. price to the public,	\$4,50
Bancroft's United States, three vols., ...	6,50
Irving's Columbus, three vols., ...	7,50
And an inferior edition in two vols., ...	3,50
Prescott's Ferdinand and Isabella, three vol., ...	7,50
Stevens' Travels in Central America, two vol., ...	5,00

Now it certainly requires no reasoning to prove that the prices of these works, place them beyond the reach of the middling

and poorer classes, nor is the case different in the lighter department of literature, and in works of Poetry or fiction—the range of prices being in all equally high.

Thus, Irving's and Cooper's novels are published at two dollars each, while those of James and Bulwer are sold at one fourth of the price—and so on, how far soever the comparison may be extended. Yet, if the works of our American authors, were printed and circulated at the same cheap rate, and in the same manner as foreign works of the same description, they would doubtless in a great measure supersede their imported rivals. But such a course would yield the authors little or no compensation. They therefore, as they are assuredly justified in doing—follow the practice of English writers, and sell their works to the publishers, or publish with them, on joint account, and it is natural that the work should appear in the manner which is most profitable to themselves. Of such a procedure, no one has a right to complain, but the consequence is as has been before stated—the mass of the people do not read these books, because they cannot afford the prices demanded for them. Hence, it is a fact, which cannot be denied, that our authors are scarcely known among the farmers and mechanics of our own country, and if foreign authors be permitted to secure copyrights—here also, the same causes will produce the same results—and thus the circulation of all the popular works of the day will be confined to the higher and richer classes.

These views are fully sustained by Mr. Geary, in his remarks on Sergeant Talfourd's bill.

“ Now we can prove that so long as copyright exists, a book will have but a limited circulation, because it will be published at a comparatively high price ; for however harshly the word may sound, copyright is a “ monopoly ;” and like all other monopolies, its tendency is to keep the commodity at a high price, and thus restrict its diffusion. we have only to compare the relative prices of copyright works, and those of which the copyright has expired, to convince ourselves of this fact. Take, for example, the poetical works of one whose name has been mentioned in the House of Commons, in the discussion of this very question, and whose poems, we are told, the public are now beginning to appreciate. We mean Wordsworth. An edition of his

poetical works (not containing the whole, however) has been recently published in four volumes, at one pound four shillings ; whereas, the *complete* Poetical Works of Cowper, containing more matter, but in which the copyright has expired, is published in one neat volume, at five shillings ! This latter work is now, in consequence of the cheapness of the price, most widely diffused among all classes ; but until Wordsworth's Poems are reduced to something like the same sum, they must necessarily be confined to the higher ranks of society.

“This point will perhaps be still more clearly illustrated by showing the actual circulation of some popular works. Sir Walter Scott's for example. The Lay of the Last Minstrel is stated to have sold to the extent of forty-four thousand copies, while the copyright lasted. This expired in 1835 ; since which time a dozen editions have been published by different publishers, in different forms, and as far as can be ascertained, more than one hundred and fifty thousand copies have been sold. Marmion is stated to have circulated to the extent of fifty thousand during the period of copyright. Since it has been open, two hundred thousand copies of various editions have been sold !”

It is thus shown, that some of the earliest works of one of the most popular writers that Britain ever produced, are only now, at the distance of twenty-eight years from their first publication, beginning to be the inmates of cottages as well as mansions, because they are now to be had at the cottager's price. American copyrights do, and in fact must, operate precisely in the same way.

From the facts and arguments which have been presented, it is evident that an International Copyright Law, will do much injury to the American public, and if such be the case as regards the community at large, the question next arises, can we justly anticipate that material exceptions will occur to this widely spread mischief ? Will our authors, for instance, reap a remuneration commensurate with the damage experienced by the generality of their fellow-citizens ? Precisely the reverse we think will be the fact ; for the proposed measure if carried into effect, must instead of diminishing, augment the number and variety of foreign publications, and of course cannot do otherwise than stimulate the very competition complained of, as due to the present state of things ; if consequently our native writers are debarred as is alleged from venturing into the literary field because of alien rivalry, will their ability in that respect be

improved, when that rivalry shall have received the new and powerful impulse of an International Copyright Law? Yet is this so? Will a law of the kind, in lieu of promoting, mar the interests of the identical class, for whose especial advantage it is apparently solicited and designed? In our opinion beyond a doubt, as we shall proceed to show.

We state then upon the authority of a partner of an extensive English publishing house, now in this city, that not one in fifty of the books issued from the British press, is reprinted in this country. It is only the works of the best and most popular authors which the American publishers select.

Suppose now the existence of an International Copyright Law, the probabilities of sale in this country will enter as much into the calculations between the author and the publisher as the probabilities of sale in England, and constitute a part of the value of the work. If the prospects of success at home be problematical, the American field is thrown into the scale, and the undertaking decided upon. The book is stereotyped, and a sufficient number of copies printed to supply the contemplated home sale. The plates are then shipped to this country, and, in twenty or thirty days, the work is issued simultaneously, here and in England. Thus, with the benefit of two markets, and the expense of but one set of plates, which they can use just to the extent necessary to supply the demand, the risk will always be small, and should the work prove popular, the profits great. With these inducements before the English publishers, it is in vain for American authors to look for any diminution in the number of English books printed in this country—in fact, these considerations will encourage numerous inferior and unprincipled writers to annoy us with their works. It will be taxing ourselves to pay British authors to write for us, and give them a control over the American press, which will enable them to circulate in this community, to a greater or less extent, such works as they please, and which may contain sentiments of an immoral or otherwise injurious tendency, and which no American publisher would sanction with his name. This point demands our most serious consideration, and it may be well to reflect,

also, how far political influence might be exerted through this channel.

But if our authors would suffer from greater rivalry here, might they not be more than remunerated abroad?—No, we think not. For as regards the compensation money which authors might expect from England, we remark, that, with very few exceptions, a British publisher can scarcely be persuaded to print an American book. There are so many works of English writers, in every department, constantly pressed upon them, that they will not take up an American book, unless with the intention of publishing it at a cheap rate, to secure an extensive sale.

We are warranted in saying that a demand of compensation for copyright would rarely be acceded to, for a compliance would involve the necessity of publishing at copyright price, which would bring the work directly in competition with their other interests, and whatever compliments English writers may pay to American authors upon our own shores, their publishers declare, and the fact cannot be doubted, that English readers do not hold American writers in the same estimation as their own.

American authors, therefore, generally have nothing to hope from publishers in England. They must look to the publishers here, and treat with them for those copyright advantages which they imagine an International Law would secure to them; and what is this consideration worth? Nothing in the main—we have conversed with several of the publishers in this city, and they assert, that in deciding upon the expediency of printing an original American work, they would deem the English copyright of little or no value.

We would not be understood as underrating the talent of our own authors, so much as to say that there would be no exceptions, but reasoning upon general grounds, and relying upon the best information which can be obtained, we conclude that the privilege of securing copyrights in England, will be of no essential benefit to American writers.

It has been vehemently urged that we are willing to sacrifice the rights of American authors, because the protection of their

interests might conflict with the interests of a certain class of domestic manufacturers. We conceive this to be a perversion of the facts, and it certainly is a misconception of our intentions. If we had objected to the existence of an American copyright law, this charge might be sustained. But we have not done so: we advocate the rights of American citizens of every grade; and concede in their fullest extent, to American authors the benefits and privileges of their own productions in their own country.

Our objections are to an International Copyright Law, which, we think it has been shown, would give an advantage to English over American writers, for which no equivalent could be offered, and would greatly and injuriously affect the current literature of our country, and enable a foreign government to exert an immense influence over the public mind and morals through our own press, by disseminating among us such books as interest or more questionable motives might dictate.

We submit these remarks to the serious and candid consideration of our representatives in Congress, and of the public at large, with the confident hope that they will not sanction the alteration of the only law upon our statute book for the "*encouragement of learning*," without deliberating upon the effect which such alteration would have upon that learning, which is the special duty of our own Government to protect and advance at home, without reference to the interests or wishes of transatlantic writers.

To the conclusions which have now been established, and to the facts from which these conclusions have been deduced, no direct reply can, it is conceived, be made.

But a collateral argument of great seeming importance has been urged, and of this it may be proper to take some notice. The quere is strongly pressed, "has not man in a state of nature an inherent, undoubted, and exclusive right to the works of his own hands—to the creation of his own intellect? Doubtless he has—and let the author whose situation warrants the step, prefer the plea; its justness will not then be contested. But a British writer is no citizen of the world; he has become a component

part of a body politic, and thereby surrendered no small portion of his original rights ; and what is more to our purpose, he has, so far as foreigners are concerned, merged his private property in the general stock—and hence, therefore, the principle of public law, that between nations the possessions of every member of a community form but a portion of a joint whole—now to this rule, what appertains to authorship can constitute no exception—we must not consequently permit our sympathies for Sir Walter Scott, or our fondness for Mr. Dickens, amiable and gifted as was the one, and is the other, to blind us to the circumstance, that with regard to an International Copyright Law, they are mere Englishmen, a title it is true, of which, on many accounts, any one may be proud. Yet from the very constitution of the world incompatible advantages can never be enjoyed. We cannot, therefore, rely upon conventional rights, when these answer our turn, and on their failing, revert to those inherent properties of a state of nature, which were long ago sunk in political relations.

The true question of course is—what claim has a subject of Queen Victoria—or, more generally, what just demand has the Government of that royal personage upon this republic in behalf of authors owing her allegiance ? Obviously none whatever—original and private rights, being by the institutions of Society confounded in one common stock, have passed out of individual existence. It has been abundantly shown that if confined to authorship alone, reciprocity would be, to use an Hibernacism, all on one side.

Let the principle of natural and inherent rights, however, be universally carried out, and we shall be the last to object. Let Great Britain concede to our farmers, graziers and mechanics the fullest enjoyments of the products of their labor, embodied in the form of corn, cattle, &c., in her market, and we will concede to the authors of that country, the benefit of their talents and industry, in the shape of books, in these United States. Justice, absolute justice, we would accord to every man, but it is against foreign injustice that we would guard our country.

And be it further remarked, that the policy hitherto pursued

by us, is by no means peculiar, for setting aside the German confederacy—and being a confederacy, it forms no exception; an International Copyright Law does not exist among the nations of Europe. Even between France and Belgium nothing of the kind prevails, although the Governments are closely knit—the bounds are coterminous and the language common.

Finally, it should never be forgotten that our Copyright Law, in its present form, concedes liberty to all, and if it confers no privileges, so neither does it impose restrictions upon the labors of English authors. Reversely, however—British statutes do intentionally and effectually exclude from the British empire, many of the most important productions of our industry—what then would be the actual relative condition of the two countries, were we to adopt an International Copyright Law? Why plainly this—English regulations would give a general monopoly in the English market to English subjects against American citizens—while American law would confer a special monopoly in the American market to the same subjects, against the American people.

Behold, then, the “simple justice” of Mr. Dickens—and simple it is in this respect, at least—that such justice can be hoped for from none save very simple personages.

APPENDIX.

Examination of some of the arguments put forth in the "Address to the People of the United States, in behalf of the American Copyright Club."

On Page 6, we read as follows :

"That a book coming from foreign parts into the United States, should be seized and confiscated to the use of the public, seems no more reasonable than a like seizure of foreign wares or merchandise of any kind ; and any corruption of the general morals, or injury to the general trade of the country, which might arise from the high-handed appropriation and distribution of the cutlery of Sheffield, the China teas, or the silks of Persia, would, in its degree, ensue from the unlicensed appropriation and distribution of foreign books now complained of. To resist the application now made, it would be necessary to show, emphatically and beyond question, why a distinction should be made between the property in a book, and property of any other kind."

What a beautiful specimen of logic. The foreign proprietor of a work sells a copy of his book, not only for a valuable, but what he conceives a sufficient remuneration, well knowing in the case of an American purchaser, for what purpose the work will be used. It is so used—and this is termed a confiscation of the vendors property, the whole *legal* right to which he has transferred, for a bona fide and accepted consideration, with a knowledge of all the circumstances, actual and contingent. So a Cotton Printer sells his prints to an American merchant, the style, design, finish, &c., are all the results of his genius, labor, and taste ; and yet, his goods are copied here without scruple and without complaint, that there is no law to protect his property ; and wherein have authors better founded claims ? If both choose to ship their productions to this market, are they not equally respected as private property ? Does the fact that

they are imitated by American manufacturers, occasion a seizure and confiscation in either case ?

On the 7th Page is the following assertion :

“ A foreign writer places his work before the public in his own country, with the knowledge that it cannot there be re-produced without his consent, but happening to pass into another country, the United States for example, where the same language is spoken, and beyond the protection of the domestic law, he has not on that account relinquished his right to control the re-production of his work, but merely suffers under the arm of power with which that other country seizes upon and appropriates his labors. His right is as manifest in America as in London.”

Although a British writer when he places his book before the public in his own country, knows that it cannot be reprinted there without his consent ; he knows at the same time that it can be reprinted in any and every other country ; and writing as he does with this knowledge, he has no cause of complaint. He knows also that his right is not “ as manifest ” in America as in England, neither is it admitted there to be inherent and universal. For the British Parliament, by the rejection of Sergeant Talfourd’s Bill, which was intended in effect, to make a copyright perpetual, has declared the right of authorship to be derived from Statute—and limited by Statute—and such in truth is the decision of all nations—Copyright being everywhere the result of law, and regulated by law.

But, say the British authors—we do not ask for unlimited copyright, we merely ask to be placed upon the same footing in America—with American writers. A reasonable request truly !! For the advancement of your pecuniary interests you wish to secure the rights of American citizens, without assuming their duties, responsibilities, or allegiance. You ask for the same privileges here that you have in England, without contributing to the support of our Government, or becoming amenable to our laws.

On the same Page we read :

“ If it would be of advantage to the agricultural interests of the country, that foreign grain should be brought into the country, and

distributed free of farmers' charges—to the manufacturers, for fabrics free of manufacturers' charges, then is it of like and equal service to its literary interests that books should be so imported : but not otherwise."

Here the literary interests of the country are brought in comparison with foreign grain and fabrics. But the writer assumes an absurdity, to wit: that books are brought to this country and distributed free of manufacturers' charges. He presumes that the public at large have nothing to do with the matter. Apply the argument to the other side of the question ; state it fairly, and it will read thus : " If it would be of advantage to the American public that foreign grain should be brought into the country, a monopoly of it given to a few wealthy grain merchants in our principal cities—and our *Farmers at the same time debarred by Statute from planting and re-producing the same*. If it would be of advantage to the American public that foreign fabrics should be brought to this country, and the selling thereof, secured exclusively to a few large houses—*while our own Manufacturers were prevented by law, from manufacturing the same*, then will it be of like and equal service to the literary interests of the public at large, that books should be so imported *and so monopolized* : but not otherwise.

On the 16th Page is this argument :

" The extent of the American reading community creates a new condition affecting both publisher and author ; namely, that books should be put forth at such prices as to allow the widest circulation. This is a necessity involving a noble appeal to the author—the noblest—that he writes for thousands, and finds an echo in every quarter of the land. And to this while he cannot be insensible, he cannot fail to see that his truest interest lies in answering it. If the question came in that shape, it cannot be doubted that the author would choose the largest audience with a diminished revenue ; but it does not follow, that the two will not entirely agree. We believe it will, and that books, both foreign and native, will be issued at a price which will satisfy the just demands of the author, and the rightful expectations of the reader.

Apply to this, the facts set forth in the preceding essay—compare the prices and circulation of copyrighted, with free books, both in this country and in England.

A few additional examples will be given, because they illustrate, although they cannot strengthen truths already beyond the reach of cavil.

The publishing price in England of Ure's Dictionary of

Arts, Manufactures, and Mines, ... \$14,00

The same work published here at 5,00

Circulation, up to the present time—13,000 copies.

Allison's History of Europe, price of the English Copy 45,00

The same published here 4,50

Circulation—17,000 copies.

Brand's Encyclopædia of Science, Literature, and Art,

price of the English copy 14,00

The same published here 3,00

Circulation—8,000 copies.

D'Aubigne's History of the Reformation—the price of the English copy is \$8. An American edition of 2,200 copies was published here at \$3 a copy, which were not all disposed of at the end of one year. A rival and cheaper edition being announced, the first publisher reduced the price to \$1 per copy, and in less than twelve months sold 22,000 copies—during the same time the rival publishers sold 15,000—making in the whole near 40,000 copies.

Now, it may be asked, how many copies of all these works would have been sold, had a monopoly of them been given to one publisher—certainly not one tenth.

It is the elder D'Israeli, who is said to have made the declaration "Give us this law and the people of America shall never read my books for a less price than my own countrymen." One of our American publishers applied to the proprietor of Ure's Dictionary, in London, wishing to purchase a sufficient number of copies to supply the American market, and upon such terms as might enable him to sell them at so low a price as to prevent the publication of an American edition—"No," was the reply—"this work is too expensive and costly to warrant an American edition, I apprehend no competition, and will have my

own price." The consequence is above stated; this work, which costs in England \$14, is sold here for \$5.

The writer of the address must have been greatly at a loss for arguments to sustain his cause, when he invoked his imagination for the novel ideas expressed in the following passages,

From Page 8.

"There was a time to which you may look back with some natural repinings, when a Bible upon the parlor table, a closet of books in the corner of the sitting room, and an almanac against the mantel, formed the library to which you resorted in the long winter evenings."

Again from page 12.

"Now to some of you it may seem of little moment whether such an individuality as an American author, exist or not. You can readily understand the importance of American breeds of beasts of draught and burthen, suited to the labor and variations of the soil: but in a sudden syncope of respect and reverence, you are unwilling to draw the lofty writers of books within the same necessity."

And again from page 13.

"In old times—old times gone away, now, too far ever to return, it has been found a comfort, even among very rude people, to have some old ballad-singer or other, some vagabond roving writer of poems, to chaunt a word or two in the mother tongue, in the mother tongue always, and sounding of the father-land, their own fields, their own firesides, their own homes."

Any one may perceive how unnecessary it is, seriously to oppose such sentiments as these,—which imply that we may look back with regret to the time when a Bible, a few books in the corner, and an almanac, constituted the family library—that we ought to improve the breed of authors as we do that of cattle—and that it would be a comfort to have our country infested with a race of old ballad-singers and vagabond roving writers of poems.

Whatever charm this picture of society may have for the poetical imagination of the author of the Address—it will have no weight with men of sound and practical views.

It is hoped and believed that Congress will require better reasons for the enactment of an International Copyright Law than those contained in the address, from which the above extracts are made.

At the dinner given to Mr. Dickens in this city, Mr. Matthews made a speech on the International Copyright, and expressed himself in the following reprehensible manner—

“It is argued, sometimes, I know, that authors have no rights; and a paper-dealing tradesman of this city, greedy of some sort of renown, has lately contended, if we could but get English Books at the cost of type and paper (the author being considered an impertinent third party,) all the ends of good literature would be answered. I might ask this artful casuist, how it would suit his convenience—he being a man of some stamp and character among his neighbors—to come abroad in the open light of day—in a coat yet odorous of the fingers of the petit-larceny thief; a hat savoring of the burglar’s fist; his pockets jingling with the transferred coin of a bank robber.”

Why was not this effusion incorporated into the “Address?” It possesses the merit at least of equal force and weight with any of the arguments therein advanced.

I would ask Mr. Matthews, whether his remarks, evidently pointed at the writer of these considerations, who, he knew, had publicly opposed the International Copyright, were intended to ridicule his occupation or his arguments?

If the former, it would appear as if Mr. M. aimed at a literary aristocracy, and deemed it impertinent in a Merchant to express an opinion on the subject, thinking to silence him by ungentlemanly sneers at his avocation—styling him, in an invidious sense, “a tradesman,” and contemptuously accusing him of being “greedy of some sort of renown,” because he ventured to differ from his views, touching the expediency of altering one of the laws of the land.

If, on the other hand, Mr. Matthews’ shafts were directed against the reasonings of his opponent, then his impertinent interrogatories may be considered as addressed to all who entertain similar sentiments—Nay, Mr. Berrien, and the other gentlemen composing the Senatorial Committee, who were prepared to report so decidedly against his former application, may, in that

case, fairly be considered as entitled to participate in this unprovoked insult.

In the same speech, Mr. Matthews makes this assertion :

“ A new work, by the author of “ Charles O'Malley,” reaches this country—a pleasant, lively, vivacious picture of Irish life and manners, well worthy of being printed by some prominent house, furnished to the Libraries, and put in the hands of a liberal circle of readers. This would be proper and natural.”

Here is a very frank and just avowal of what would be the extent of the circulation of copyright works—they would be confined,—by their cost, to the “ Libraries” and “ a liberal circle of readers”—and this, Mr. Matthews avers, would be “ proper and natural”—what a comment upon the argument quoted from the 16th page of the “ Address.” This, indeed, might satisfy the clamorous demands of foreign authors, but would it satisfy the rightful expectations of Americans.

It is admitted that there are some unprofitable and even objectionable works put forth among the cheap reading of the day, which, however, is saying nothing more than that in all human affairs, good and ill are forever blended. But a little reflection will convince every candid and disinterested mind, that the sure and only way to remedy the evil and to promote in the highest degree the virtue and intelligence of the community, is to circulate widely, and in the cheapest possible forms, scientific, standard and good books.

Many intelligent and conscientious persons, not having thoroughly examined the subject, imagine that an International Copyright Law must necessarily check the present wide diffusion of light and unprofitable reading. They have an impression that books of that character would thereby be increased in price, or not published at all, and consequently other and better works be read in their stead—and for these reasons are disposed to favor the proposed law.

This is entirely a mistake. For though it is conceded that a price, and in some instances a very large price, will be paid to authors for works of the best character ; and consequently that

the cost of these to the American public would be so greatly enhanced, as to prevent their circulation among the middling and lower classes; yet how very different would be the case with the vile and worthless performances, for which no copyright would at any time find a purchaser. Works of this description would be eagerly sought after by unprincipled publishers, printed in the cheap pamphlet form, and scattered unceasingly through the whole country—while the very books best calculated to counteract the pernicious influence of such trash, will, owing to their copyright prices, be confined to the higher and richer circles.

The experience of the few past years has shown conclusively that the circulation of a work is very much in proportion to its price, and that a book is often purchased from the circumstance of its being cheap, without reference to its moral tendency. The unavoidable consequence, then, of the enactment of an International Copyright Law must be—not only to sustain the present wide circulation of unprofitable reading, but to render it much more pernicious in its effects, by inhibiting a reference to the proper antidote—sound, moral and religious reading.

It has thus, we think, been clearly shown in the preceding remarks, that the American public will be greatly and vitally injured by the passage of an International Copyright Law, while American authors can derive no essential benefit from it; why then is the measure so strongly urged? Manifestly and clearly, for the benefit of British authors and publishers, in connection with a few large American publishers. These, will then have a monopoly of the valuable literature of the country;—these are the persons whose pecuniary interests will be promoted by obtaining a control of the reading which shall be presented to the American people, and of dictating the prices they shall pay for it.

It is not to be wondered at that some American publishers should join in a petition to Congress, for the passage of a law which will put thousands of dollars annually in their pockets; neither is it at all surprising that English publishers should, for the same reason, urge the matter through their partners and agents in this country. But it would be strange indeed if an

enlightened American Congress should be induced, by such reasoning as that set forth in the Address of the American Copyright Club, to enact a law which will enhance the prices of all desirable books which may appear hereafter, three or four times, and consequently place them beyond the reach of the middling and poorer classes, and at the same time tax the American people from a quarter to half a million of dollars annually to pay British writers.

It is in vain to disguise the fact, that the principal advantage of an International Copyright Law, will accrue to Great Britain, and of this her writers and publishers are well aware. The English press has for years teemed with untenable reasoning and argument on the subject, which having failed, it now descends to undignified and even vulgar abuse.

The following is from the last London Athenæum :—

“ When rogues fall out—but no matter ; the proverb is somewhat dusty. The last letters from America contain tidings as amusing as they will be interesting to all who are concerned in the Copyright Question. It appears that the Pirates have fallen out among themselves ; the booksellers having been distanced by those bolder and quicker speculators, the newspaper proprietors, and are now earnest to have literary property protected ; Messrs. Harper & Brothers* being, we are informed, the only firm of any consequence which is adverse to the memorial about to be laid before congress, a copy of which, just received we subjoin.”

Scarcely a British writer visits this country who does not, on his return, give to the world the most disparaging, distorted and unfair descriptions of our Government and Institutions—and novelists, even when the scene of their adventures are confined to their own country, cannot refrain from casting scurrilous reflections upon us as a nation.

* It is proper to add, in justice to the Messrs. Harpers, that they have been at all times ready to admit that the Copyright Law might be of great pecuniary benefit to them, yet they refrain from taking any active part in the controversy—not having the confidence to join in a Petition to Congress for the passage of a law which, while it would benefit themselves, would be a heavy tax upon the American people.

Charles Lever, upon the last page of his *Jack Hinton*, gives the following passage :—

“MR. ULICK BURKE ESCAPED TO AMERICA—WHERE, BY THE EXERCISE OF HIS ABILITIES AND NATURAL SHARPNESS, HE ACCUMULATED A LARGE FORTUNE, AND DISTINGUISHED BY HIS ANTI-ENGLISH PREJUDICES, BECAME A LEADING MEMBER OF CONGRESS.”

Here the writer disposes of his abandoned, profligate and most detestable hero, by sending him as a representative to the Congress of the United States. And it is these writers who presume to ask of this Congress, the passage of a law which will, in effect, be to pay them for uttering such slander.